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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,940	06/15/2001	Jerry B. Decime	10008055-1	9541

7590 07/27/2004

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EXAMINER	
CAMPBELL, JOSHUA D	

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/882,940	DECIME ET AL.	
	Examiner	Art Unit	
	Joshua D Campbell	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application filed on 6/15/2001.

2. Claims 1-20 are pending in this case. Claims 1, 11, and 16 are independent claims.

Claim Objections

3. Claims 14, 17, 18, and 19 are objected to because of the following informalities: It appears that the dependency of claim 14 should be to claim 11, but the claim is dependent upon claim 1, which if true would lead to a lack of antecedent basis. It appears that the dependency of claims 17-19 should be to claim 16, but the claim 19 dependent upon claim 1 and 17 and 18 are dependent upon claim 11, which if true would lead to a lack of antecedent basis. Appropriate correction is required.

For the purpose of further examination it will be assumed that claim 14 depends upon claim 11 and claims 17-19 depend upon claim 16.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 5-8, 10-11, 14-16, and 19-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Google (Google Friends Newsletter, May 23, 2001).

Regarding independent claim 1, Google discloses a method in which an unfamiliar word is identified and an alternative spelling of that word is supplied as a word variant (Page 2, "Google Spell checker almost reads your mind", and Pages 5 and 6 of Google). Google discloses that both the unfamiliar word and the word variant are run through a search engine to show the frequency of use of both words and that the results are presented to the user (Page 2, "Google Spell checker almost reads your mind", and Pages 5 and 6 of Google).

Regarding dependent claims 5 and 6, Google discloses a method in which the using the search engine comprises transmitting the words to an Internet search engine via a network from a remote location (Page 2, "Google Spell checker almost reads your mind", and Pages 5 and 6 of Google).

Regarding dependent claims 7 and 8, Google discloses a method in which an indication of the frequency of the words is expressed in terms of hits (Pages 5 and 6 of Google). Google can be used to search the open Internet or a database of categories (Pages 4 and 7-8 of Google).

Regarding dependent claim 10, Google discloses that the user may select and continue searching by selecting either the original or moving to the word variant once a decision is made based on the results (Page 2, "Google Spell checker almost reads your mind", and Pages 5 and 6 of Google).

Regarding independent claims 11 and dependent claims 14 and 15, the claims incorporate substantially similar subject matter as claims 1, 7, and 10. Thus, the claims are rejected along the same rationale as claims 1, 7 and 10.

Regarding independent claims 16 and dependent claims 19 and 20, the claims incorporate substantially similar subject matter as claims 1, 7, and 10. Thus, the claims are rejected along the same rationale as claims 1, 7 and 10.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 2-3, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Google (Google Friends Newsletter, May 23, 2001) as applied to claims 1, 11, and 16 above, and further in view of Nielsen (US Patent Number 5,875,443, issued on February 23, 1999).

Regarding dependent claims 2 and 3, Google does not disclose a method in which a word is identified as unfamiliar by determining whether or not it is stored in a database and then providing suggestions based on similarly spelled words in the database. However, Nielsen discloses a method in which a word is identified as unfamiliar by determining whether or not it is stored in a database and then suggestions are provided based upon similarly spelled words in the database (column 3, line 16-column 4, line 47 of Nielsen). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Google with the method of Nielsen because it would allowed for a working adaptable list to be kept to be used by more than one user.

Regarding dependent claims 12 and 17, the claims incorporate substantially similar subject matter as claim 2. Thus, the claims are rejected along the same rationale as claim 2.

9. Claims 4, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Google (Google Friends Newsletter, May 23, 2001) as applied to claims 1, 11, and 16 above, and further in view of Lawrence (US Patent Number 6,393,444, filed on March 10, 1999).

Regarding dependent claim 4, Google does not disclose a method in which the alternative spelling is generated by an algorithm to replace letters of an unfamiliar word with similarly sounding letters. However, Lawrence discloses a method in which the alternative spelling is generated by an algorithm to replace letters of an unfamiliar word with similarly sounding letters (phonetically) (column 1, line 33-column 2, line 31 of Lawrence). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Google with methods of Lawrence because it would have provided more accurate alternative spelling results.

Regarding dependent claims 13 and 18, the claims incorporate substantially similar subject matter as claim 4. Thus, the claims are rejected along the same rationale as claim 4.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Google (Google Friends Newsletter, May 23, 2001).

Regarding dependent claim 9, Google does not disclose a method in which the frequency of results is shown as a percentage. However, Google discloses a method in which the amount of pages searched is displayed and the amount of pages that are hits is displayed (Pages 4-6 of Google). The percentage of pages that are hits is simply a function of these two values. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the methods of Google and the method of showing frequencies by percentages because it was well known in the art at

the time the invention was made that percentages were used, by definition, to show the proportion of a whole that meets certain criteria.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 5,537,317

US Patent Number 6,047,300

US Patent Number 6,424,983

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (703)305-5764. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703)308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
July 15, 2004

STEPHEN S. HONG
PRIMARY EXAMINER